

STATEMENT OF EMERGENCY
803 KAR 25:089E
WORKERS' COMPENSATION MEDICAL FEE SCHEDULE FOR PHYSICIANS

(1) The Department of Workers' Claims must amend this administrative regulation by emergency to comply with KRS 342.035(1) which requires that the schedule of fees be reviewed and updated, if appropriate, every two (2) years on July 1. Medical costs in the workers' compensation system shall be fair, current, and reasonable for similar treatment in the same community where paid for by general insurers. The medical fee schedule meets this statutory guideline. By complying with that statutory guideline, the medical fee schedule update insures injured employees receive quality and appropriate health care and medical providers are appropriately compensated. This emergency regulation complies with the statutory mandate of being in place by July 1 and protects human health and public health, safety, and welfare by updating medical costs.

(2) Our current administrative regulation incorporates the 2005 fee schedule which is three (3) years old and insufficient. Because the medical fee schedule is updated pursuant to KRS 342.035(1), the current regulation must be amended to incorporate the new schedule.

(3) This emergency regulation will be replaced by an ordinary administrative regulation.



STEVEN L. BESHEAR, GOVERNOR

6-30-08
DATE



DWIGHT T. LOVAN, COMMISSIONER
DEPARTMENT OF WORKERS' CLAIMS

6-25-2008
DATE

1 LABOR CABINET

2 DEPARTMENT OF WORKERS' CLAIMS

3 (Emergency)

4 803 KAR 25:089E. Workers' Compensation Medical Fee Schedule for
5 Physicians.

6 RELATES TO: KRS 342.019, 342.020, 342.035

7 STATUTORY AUTHORITY: KRS 342.020, 342.035(1), (4)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.035(1) requires
9 the Commissioner [~~Executive Director~~] of the Department [~~Office~~] of Workers'
10 Claims to promulgate administrative regulations to ensure that all fees, charges
11 and reimbursements for medical services under KRS Chapter 342 are limited to
12 charges that are fair, current, and reasonable for similar treatment of injured
13 persons in the same community for like services, where treatment is paid for by
14 general health insurers. KRS 342.035(4) requires the commissioner [~~executive~~
15 ~~director~~] to promulgate an administrative regulation establishing the workers'
16 compensation medical fee schedule for physicians. A schedule of fees is to be
17 reviewed and updated, if appropriate, every two (2) years on July 1. This
18 administrative regulation establishes the medical fee schedule for physicians.

19 Section 1. Definitions. (1) "Medical fee schedule" means the Workers'
20 Compensation Medical Fee Schedule for Physicians.

21 (2) "Physician" is defined by KRS 342.0011(32).

1 Section 2. Services Covered. (1) The medical fee schedule shall govern all
2 medical services provided to injured employees by physicians under KRS
3 Chapter 342.

4 (2) The medical fee schedule shall also apply to other health care or medical
5 services providers to whom a listed CPT code is applicable unless:

6 (a) Another fee schedule of the Department ~~[Office]~~ of Workers' Claims
7 applies;

8 (b) A lower fee is required by KRS 342.035 or a managed care plan approved
9 by the commissioner ~~[executive director]~~ pursuant to 803 KAR 25:110; or

10 (c) An insurance carrier, self-insured group, or self-insured employer has an
11 agreement with a physician, medical bill vendor, or other medical provider to
12 provide reimbursement of a medical bill at an amount lower than the medical fee
13 schedule.

14 Section 3. Fee Computation. (1) The appropriate fee for a procedure
15 covered by the medical fee schedule shall be obtained by multiplying a relative
16 value unit for the medical procedure by the applicable conversion factor; and ~~[-]~~

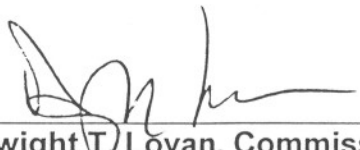
17 (2) The resulting fee shall be the maximum fee allowed for the service
18 provided.

19 Section 4. (1) A physician or healthcare or medical services provider located
20 outside the boundaries of Kentucky shall be deemed to have agreed to be
21 subject to this administrative regulation if it accepts a patient for treatment who is
22 covered under KRS Chapter 342.

1 (2) Pursuant to KRS 342.035, medical fees due an out-of-state physician or
2 healthcare or medical services provider shall be calculated under the fee
3 schedule in the same manner as for an in-state physician.

4 Section 5. Incorporation by Reference. (1) The 2008 [2005] Workers'
5 Compensation Medical Fee Schedule for Physicians, (July 31, 2008 [June 2005]
6 edition), is incorporated by reference.

7 (2) This material may be inspected, copied, or obtained, subject to applicable
8 copyright law, at the Department [Office] of Workers' Claims, Prevention Park,
9 657 Chamberlin Avenue, Frankfort, Kentucky 40601, Monday through Friday, 8
10 a.m. to 4:30 p.m.



Dwight T. Lóvan, Commissioner
Department of Workers' Claims

6-25-2008
Date

CONTACT PERSON: Carla H. Montgomery, General Counsel
Department of Worker's Claims
Prevention Park
657 Chamberlin Avenue
Frankfort, Kentucky 40601
Telephone Number: (502) 564-5550, Ext. 4464
Fax Number: (502) 564-0681